

DATE

Mr. Michael J. Kimble, Fire Chief  
Baton Rouge Fire Department  
8011 Merle Gustafson Drive  
Baton Rouge, LA 70807

**Re: Docket No. 2021-988**  
**Advisory Opinion-Disqualification Plan**

Dear Mr. Kimble:

The Louisiana Board of Ethics, at its April 8, 2022 meeting, considered your request to approve a disqualification plan regarding matters that may arise out of the employment of Jerome Robertson, a Fire Services and Supply Technician in the Baton Rouge Fire Department's Special Services Division, where his brother, Jared Robertson, serves as the Assistant Chief of Special Services.

### **FACTS PROVIDED**

Jared Robertson was hired in 1995 by the Baton Rouge Fire Department as a Firefighter and promoted in December 2017 to Assistant Chief of Special Services, which is his current position. As Assistant Chief of Special Services, Jared Robertson is responsible for supervising Fire Services and Supply Technicians. Jerome Robertson, the biological brother of Jared Robertson, has been employed with the Baton Rouge Fire Department since 1996 and currently serves as a Fire Services and Supply Technician. As the Fire Chief, you have submitted a disqualification plan that indicates Jared Robertson will not supervise Jerome Robertson involving matters concerning promotions, evaluations, time worked, requested leave, timesheets, callout services, discipline or any other matter concerning an economic benefit to his brother. To avoid any potential conflict, Scott Pertuis, the Chief of Special Services, or Jeremy Spillman, Chief of Administration, will handle, supervise, or sign all such matters.

### **LAW**

**La. R.S. 42:1112B(1)** prohibits a public servant from participating in a transaction involving the governmental entity in which, to his actual knowledge, any member of his immediate family has a substantial economic interest.

**La. R.S. 42:1119A** prohibits a member of the immediate family of an agency head from being employed in his agency.

**La. R.S. 42:1119C(2)** allows for the continued employment of any public employee whose immediate family member is an agency head, provided that such public employee has been employed in the agency for a period of at least one year prior to the member of the public employee's immediate family becoming the agency head.

**La. R.S. 42:1112C** allows a disqualification plan to be developed in accordance with rules adopted by the Board to remove a public servant from participating in transactions that would otherwise present violations of Section 1112 of the Code. The Board adopted rules in Chapter 14 of Title 52 of the Louisiana Administrative Code – Rules of the Board of Ethics that sets forth the reporting requirements for the disqualification plan.

### ANALYSIS

As an Assistant Chief of Special Services, Jared Robertson was not an agency head, therefore there would be no violation for Jerome Robertson to be employed in the Special Services Division. Based on the information provided, Jared Robertson would not supervise or participate in any matter concerning an economic benefit related to his brother, Jerome Robertson. Jared Robertson's supervisor, Scott Pertuis, Chief of Special Services, or Jeremy Spillman, Chief of Administration, will supervise Jerome Robertson and handle all matters pertaining to Jerome Robertson's promotions, evaluations, time worked, requested leave, timesheets, callout services, discipline, or any other matter concerning an economic benefit to Jerome Robertson.

### CONCLUSION

The Board concluded, and instructed me to inform you that the Code of Governmental Ethics would not prohibit Jerome Robertson from being employed as Fire Services and Supply Technician. Further, the disqualification plan submitted by the Baton Rouge Fire Department meets the requirements of Chapter 14 of Title 52 of the Louisiana Administrative Code – Rules of the Board of Ethics.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

---

Gregory L. Thibodeaux  
For the Board